

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
FRANCISCO MEDINA,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/13/2017

16 Civ. 5043 (AT) (JCF)

94 Cr. 872-2 (SAS)

**ORDER**

ANALISA TORRES, District Judge:

Movant *pro se*, Francisco Medina, has moved pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. The matter was referred to the Honorable James C. Francis IV, who, on February 3, 2017, filed a Report and Recommendation (“Report” or “R & R”), recommending that the Court deny Movant’s motion. ECF No. 8.<sup>1</sup> Objections to the R & R were due February 17, 2017. On February 24, 2017, the Court received a mailing from Mr. Medina, which contained a copy of Judge Francis’s R & R but no objections. ECF No. 9. The Government has not objected to the Report.

Having received no objection to Judge Francis’s R & R, the Court reviewed the Report and found “no clear error on the face of the record.” *Santana v. United States*, 476 F. Supp. 2d 300, 302 (S.D.N.Y. 2007) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). Accordingly, the Court accepts and adopts the thorough and well-reasoned R & R and denies Mr. Medina’s motion made pursuant to 28 U.S.C. § 2255 for the reasons set forth in the Report.

The Clerk of Court is directed to terminate the motion at ECF No. 234 in the criminal case and close the civil action. Pursuant to 28 U.S.C. § 1915(a)(3), any appeal of this order would not be taken in good faith. Further, as Movant has not made a substantial showing of the denial of a constitutional right, the Court will not issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2).

SO ORDERED.

Dated: March 13, 2017  
New York, New York



ANALISA TORRES  
United States District Judge

Copy: Francisco Medina, *pro se*  
Mailed by Chambers

<sup>1</sup> All docket entries refer to those filed in 16 Civ. 5043 unless otherwise noted.